

## **REMARKS**

### **Summary of the Office Action**

The Office Action alleges that the “amendment to the first line of the specification filed 8/20/07 is not in compliance with 37 CFR 1.173(b)(1)” for the reason set forth at page 2 of the Office Action.

At page 2 of the Office Action, the Examiner requests a new listing of claims including all of the pending claims.

At page 2 of the Office Action, the Examiner states that the “declaration filed 8/20/07 is improper because it was signed by someone other than the inventors.” The Office Action goes on to thus rejection claims 5-40 under 35 U.S.C. 251 as allegedly being “improperly broadened in a reissue application made and sworn to by the assignee and not the patentee.” However, the Examiner notes at pages 2-3 of the Office Action that claims 5-40 “would be allowable” if a proper declaration is timely filed.

### **Amendment to the Specification**

The Office Action alleges that the “amendment to the first line of the specification filed 8/20/07 is not in compliance with 37 CFR 1.173(b)(1)” for the reason set forth at page 2 of the Office Action. In response, in the instant Amendment paper, Applicants present a revised amendment to the first line of the specification which is fully underlined.

**Requirement for a New Listing of Claims**

At page 2 of the Office Action, the Examiner requests a new listing of claims including all of the pending claims. In response, Applicants hereby submit a new listing of claims that includes all of the currently pending claims 5-40. No new amendments to the claims are submitted herewith and the status of the claims is as follows: Original patent claims 1-4 are canceled; and reissue claims 5-40 are newly-added in this reissue application. Examples of support for the newly-added claims in this reissue application are provided in previously-filed Amendments in this reissue application. As no new amendments are implemented by the instant paper, no further discussion of such is deemed necessary herein. However, if Applicants' understanding is incorrect in this regard, clarification is respectfully requested to be provided in the next Office Communication or by telephone to Applicants' undersigned representative. Accordingly, withdrawal of the requirement for a new listing of claims is respectfully requested.

**Requirement for a Supplemental Oath/Declaration and Associated Claim Rejections**

At page 2 of the Office Action, the Examiner states that the "declaration filed 8/20/07 is improper because it was signed by someone other than the inventors." The Office Action goes on to thus rejection claims 5-40 under 35 U.S.C. 251 as allegedly being "improperly broadened in a reissue application made and sworn to by the assignee and not the patentee." However, the Examiner notes at pages 2-3 of the Office Action that claims 5-40 "would be allowable" if a proper declaration is timely filed. In response, Applicants submit herewith a Supplemental Reissue Declaration by the Inventors. Accordingly, withdrawal of the requirement for a new declaration and the associated claim rejections is thus respectfully requested.

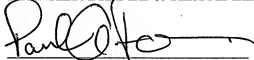
**CONCLUSION**

In view of the foregoing discussion, Applicants respectfully submit that all outstanding issues have been addressed and this application is now in clear condition for allowance. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative at 202-842-8800 to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



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By:

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